

## Message Text

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PAGE 01 SAN JO 03023 221555Z

43/20

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 ACDA-05 OES-03 IO-10 EB-07

DLOS-04 OFA-01 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00

DODE-00 PM-03 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 OIC-02 /078 W

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O 220535Z JUL 75

FM AMEMBASSY SAN JOSE

TO SECSTATE IMMEDIATE 869

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C O R R E C T E D C O P Y (CORRECTION PARA 2 AND 5)

USDEL 022

FOR USOAS, ARA AND L/UNA, L/OES

E.O. 11652: N/A

TAGS: OCON, OAS

SUBJECT: SAN JOSE CONFERENCE, RIO TREATY, ARTICLES 9, 6BIS,  
5 AND 8.

REF: A. GANTZ- MATHESON TELECON JULY 21, 1975, B. STATE 171364

1. SUMMARY. AFTERNOON SESSION MONDAY JULY 21 APPROVED FOUR ARTICLES, 9, 6 BIS, 5, 8. ONLY THE FIRST INVOLVED ANY SUBSTANTIVE ISSUES. USDEL AND ARGENTINA WERE UNSUCCESSFUL IN EFFORTS TO HAVE MARINE/AIR FLEET REFERENCE REINSERTED. ZONE OF COVERAGE ISSUES (ART. 4) WILL BE DISCUSSED TUESDAY AM. END SUMMARY.

2. CESSI TEXT ARTICLE 9 (REF A) APPROVED WITH ONE CHANGE; WORDS "SHALL BE CHARACTERIZED" IN SUBPARAGRAPH 2 REPLACED BY "QUALIFY". (SPANISH TEXT REMAINS "CHARACTERIZARA" AS IN LIMITED OFFICIAL USE

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PAGE 02 SAN JO 03023 221555Z

UN VERSION.) ARGENTINA AND US SOUGHT REINSERTION OF

REFERENCE TO MARINE AND AIR FLEETS, BUT RECEIVED NO SUPPORT WHATSOEVER FROM OTHER DELEGATIONS. US DELEGATE ARGUED THAT CEESI HAD IN GENERAL FOLLOWED UN TEXT IN ALL SUBSTANTIVE RESPECTS WITH THIS ONE EXCEPTION; GIVEN THE IMPORTANCE OF THIS ISSUE, THIS DIFFERENCE TOO SHOULD BE ELIMINATED. GOA WENT FURTHER, NOTING THAT SIXTH COMMITTEE REPORT SPECIFICALLY TOOK CARE OF ISSUES CONCERNING SEVERAL OF THE LATIN STATES. OTHER DELEGATIONS, WHILE ARGUING FOR CEESI TEXT, CONFIRMED THAT ATTACKS ON MERCHANT SHIPS OR CIVIL AIRCRAFT WOULD CERTAINLY BE CONSIDERED AGGRESSION BY ORGAN OF CONSULTATION UNDER SUBPARAGRAPH 3. SEVERAL EMPHASIZED THAT LIST IN SUBPARAGRAPH 2 WAS ILLUSTRATIVE, NOT EXCLUSIVE, AND THAT ORGAN OF CONSULTATION WOULD ACT UNDER SUBPARAGRAPH 3 IN OTHER INSTANCES OF AGGRESSION.

3. WE CONSIDERED POSSIBILITY OF OFFERING TO INCLUDE UN 6TH COMMITTEE STATEMENT IN TEXT IN RETURN FOR REINSERTING REFERENCE TO MARINE AND AIR FLEETS, BUT DECIDED AGAINST IT IN VIEW OF OBVIOUS DANGER OF ENDING UP WITH 6TH COMMITTEE STATEMENT WITHOUT OBTAINING REINSERTION MARINE/AIR FLEET REFERENCE. US AND ARGENTINA ABSTAINED IN SEPARATE VOTE ON SUBPARAGRAPH 2(D) (IT WAS ADOPTED 19-0-2), BUT JOINED CONSENSUS IN ADOPTING ARTICLE 9 AS A WHOLE.

4. MUCH TO OUR SURPRISE, NEITHER EL SALVADOR NOR THE LAND-LOCKED STATES RAISED THE "LAND BLOCKADE" ISSUE IN ARTICLE 9, THOUGH THEY CAME WITHIN TWO VOTES OF WINNING ON THIS IN THE CEESI.

5. NEW ARTICLE 6 BIS AS APPROVED BY CEESI APPROVED UNANIMOUSLY WITH MINOR MODIFICATIONS. FINAL TEXT READS AS FOLLOWS: "ANY SUPPORT (AYUDA) THAT THE ORGAN OF CONSULTATION MAY AGREE TO PROVIDE TO A STATE PARTY MUST HAVE THE CONSENT OF THAT STATE IN ORDER TO BE CARRIED OUT."

6. PRESENT ARTICLE 5 OF TREATY WAS APPROVED WITHOUT OBJECTION; ONLY CHANGE, IN SPANISH VERSION ONLY, REPLACES REFERENCE TO "CHARTER OF SAN FRANCISCO" WITH "OF THE UN CHARTER". ARTICLE WILL PROBABLY BE RENUMBERED ARTICLE 10.

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PAGE 03 SAN JO 03023 221555Z

7 ARTICLE 8 OF CEESI DRAFT LIKEWISE ADOPTED UNANIMOUSLY. ONLY MODIFICATION WAS REWORDING OF LAST CLAUSE BEFORE SEMI-COLON TO READ "ADOPT ONE OR MORE OF THE FOLLOWING MEASURES:"

8. AFTERNOON/EVENING SESSION TERMINATED WITH DISCUSSION OF ARTICLE 22 OF CEESI DRAFT. ECUADOR IS PLANNING AMENDMENT ALONG LINES ARTICLE 50 OF UN CHARTER WHICH WOULD APPARENTLY PERMIT COUNTRY THAT IS ECONOMICALLY BURDENED BY MANDATORY

SANCTIONS TO APPLY TO ORGAN OF CONSULTATION FOR RELIEF.  
ANOTHER ECUADOREAN EFFORT, TO DELETE REFERENCE TO RECOMMEN-  
DATIONS, WILL BE DEFEATED BUT OTHER PROPOSAL MAY HAVE SOME  
SUPPORT.

9. DISCUSSIONS TUESDAY AM WILL CONCENTRATE ON REDIFINITION  
OF AREA OF COVERAGE. WE HAVE BEEN DISCUSSING APPROVED  
ALTERNATIVE SOLUTION TO SOUTH ATLANTIC/SANDWICH ISLANDS  
ISSUE (PARA 2, REF B) AND BELIEVE WE WILL HAVE SOME  
SUPPORT. ARGENTINA, THE KEY, IS SEEKING INSTRUCTIONS.  
TODMAN

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